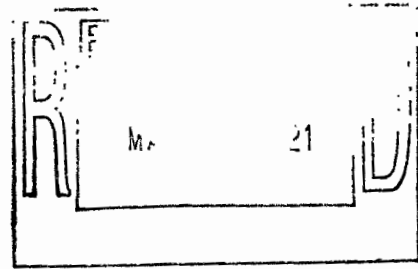


Dwaine Henry
#924412
6301 State Rd
Phila Pa 19136



MAY 20, 2021

RE: MOTION FOR CONTEMPT AND INTERVENE
C.A. 20-1595

TO CLERK OF COURT:

Please find enclose plaintiff MOTION FOR
CONTEMPT AND INTERVENE. Due to COVID-19
RESTRICTION plaintiff is unable to make
photocopy. Plaintiff is requesting that this
court accept plaintiff handwritten copy
and file the motion as is in above
CASE NO: 20-1595

Thank you
Dwaine Henry

NOTE: Please return a time stamp copy
for the plaintiff at the above
address.

NOTE: EXHIBITS CAN NOT
make copies of
DUE TO COVID-19

NOTE: HANDWRITTEN COPY MADE

Case 2:20-cv-01959-BMS Document 75 Filed 05/24/21 Page 2 of 8

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

Remick et al

Plaintiffs

vi

City of Philadelphia

et al

Defendants

Civil Action No:

20-1959

MOTION FOR CONTEMPT AND TO INTERVENE

Plaintiff, Dwayne Henry, Pursuant to Rule 70(A) Fed. R. Civ. P. and Rule 23(d), Fed. R. Civ. P., Requests that A MOTION FOR CONTEMPT BE GRANTED AND Sanctions Be Imposed to Compensate Losses Caused by the defendants and there officers, agents, servants, employees and attorneys noncompliance violating the Partial settlement agreement and PERMIT Plaintiff to INTERVENE AND Present Claims or defenses or otherwise Come into the action. Applicable hereto;

- 1.) Rule 70(A), Fed. R. Civ. P., Provides, in Part., that:
"If a party fails to perform a specific act require by a Judgement, the COURT "MAY order the act be done" at the expense by another Person.
- 2.) On June 3, 2021 Judge Berle Schiller, of the United States District Court for the Eastern District of Pennsylvania approved A Partial settlement agreement, which provided Plaintiff (A Third Party beneficiary) several Covid-19

Case 2:20-cv-01949-BMS Document 75 Filed 05/24/21 Page 3 of 8
Related Protected Measures For Plaintiff AND all Persons
Confined in the Philadelphia Department of Prisons (PDP)
(see EX A)

3.) Dispite measures set forth in the Court order the
Defendants and there agents, officers, servants, employees,
and attorneys has continuously violated the approved
Partial settlement agreement measures Related to the
Protected measures along side other Constitutional rights
Violations against Plaintiff and others, support by
declarations and other Documents submitted (see
EX A1, A2, A3, A4, A5)

4.) Further, Rule 23(d) authorizes the Court to PERMIT
Plaintiff (third party beneficiaries) to INTERVENE and
Present claims or defenses or otherwise come into
the Action,

Accordingly, Plaintiff seeks A Find of Contempt And a order
For Coercive Damages and Damages to compensate Plaintiff
For Damages caused by the defendants, And there
officer, agents, servants, employees and attorneys
For violation of the approved Partial settlement agreement,
And a order For appropriate sanctions imposed to Compel
Obedience,

DATE: 5-20-21

Respectfully submitted
Dwayne Henry
#924442
Piec
8301 State Road
Phila, Pa 19136

Remick et al
Plaintiffs

V.

CASE No: 20-1959

City of Philadelphia et al
Defendants

DECLARATION IN SUPPORT OF PLAINTIFFS MOTION
FOR CONTEMPT AND INTERVENE

- 1.) I am the Plaintiff, Dwayne Henry, A Third Party beneficiary, I make this declaration in support of MY MOTION FOR CONTEMPT AND TO INTERVENE.
- 2.) As set forth in Plaintiff Motion For Contempt/Intervene I at all time Relevant to this matter was and is A PERSON CONFINED in the Philadelphia Department of Prison (PDP) specifically "PICC" on June 3, 2021 up UNTIL NOW.
- 3.) Due to the novel coronavirus that cause COVID-19 which has spreaded across the globe, hundreds of thousands of people have been infected and thousands have died including persons confined in the "PDP". Protective measures for all persons confined in "PDP" has already been settled upon in the above case and all third party beneficiary were place on constructive notice. (EX A)

4.) However, Immediately Following the Partial settlement agreement Judge Berle Schiller approved of on June 3, 2021, The defendants AND there officers, and agents, servants, employees have been Retaliating against Plaintiff for being a Third Party beneficiary by violating numerous Covid-19 Protective measures. Plaintiff and many other Third Party beneficiaries have submitted Grievance's, Appeals and other documentation including verbally expression of noncompliance. (see ex A, 2, 3, 4, 5.)

5.) On 1-14-21 Plaintiff in Another Civil ACTION Filed in the Same District Court (Case No 20-05115) A Preliminary Injunction and Temporary Restraining order Regarding the defendant's agents, officers, servants, employees Retaliating against Plaintiff by violation of the Protective measures alongside other Constitutional Violations. (EX B)

6.) Further, on 2.3.21 in The UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA A hearing was held Before The Honorable EDWARD SMITH and Issues Relating to Protective Measures alongside other Constitutional Violation were heard, Judge Smith order Plaintiff to file AN "AMENDED COMPLAINT RAISE All claims and OR the defendant's Attorneys to investigate and Answer those claims. (See EX C, D, E)

7.) However, in Direct Violation of these Two orders Judge Berle Schiller approved of and in Direct Violation of Judge Smith's order the defendant's continued violating all orders which is now Fully Documented and witnessed by Multiple Third party beneficiary and Prison Officials who ARE willing to Come Forward. (EX F)

8.) along with the defendant and other the Plaintiff
Dwayne Henry now wish to intervene and present
claims, defenses, or otherwise come into the
action as authorized by Rule 23(d) and Request
Compensation for the losses caused by the defendant
- all Officers, agents servants, employees and attorney
for present and past noncompliance.

9.) I am suffering irreparable harm in form of continued
physical and mental pain and suffering and an increasing
risk that Plaintiff will contract the spreading COVID-19
virus which inmates are now using as a weapon
by intentional spreading (EXH)

10.) For the reasons set forth in the Motion for Contempt
and Intervene filed with supporting declaration, the
Plaintiff is entitled to compensatory Damage of \$2,500,000
USC and appropriate sanctions imposed to compel
obedience to a lawful court(s) order(s) and sanction
for the time spent having to bring this contempt
supported by declaration and other documents that
show noncompliance by "Clear and convincing
evidence" Slater v. Army & Air Force Exchange
Service, 376 F.3d 386, 396

11.) For the foregoing reasons, the court should grant the
Plaintiff's motion in all respect.

Pursuant to 28 USC § 1746, I declare under penalty
of perjury that the foregoing is true and correct.

DATE: 5-20-21

Dwayne Henry
#92442
63d State PD
Mila Pa 19136

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Remick et al
Plaintiffs

V.
City of Phila
et al
Def's

Case No: 20-1959

Certificate of service

I, the undersigned hereby certifies that a copy
of the foregoing document has been served
upon the person below via first class mail to

Clerk of Court, EDPa
Rm 2609 601 market st
Phila, Pa 19106

ON THIS 20th day of march 2021

IN Good Faith

Dwayne Henry

924442

8301 8th St

Phila Pa 19106

Handwritten copy
COVID-19

Dwayne Henry
Philadelphia Department of Prisons
Philadelphia, PA 19136
PPN 924442



CLERK OF COURT, EDP
RM 2609st
Cool Market
Phila Pa, 19106

U.S.M.S.
X-RAY